

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<i>In re</i> TRANSCARE CORPORATION, <i>et al.</i> , ¹ Debtors.	Chapter 7 Case No. 16-10407 (SMB) (Jointly Administered)
SHAMEEKA IEN on behalf of herself and all others similarly situated, Plaintiff, v. TRANSCARE CORPORATION, TRANSCARE NEW YORK, INC., TRANSCARE ML, INC., TC AMBULANCE GROUP, INC., TRANSCARE MANAGEMENT SERVICES, INC., TCBA AMBULANCE, INC., TC BILLING AND SERVICES CORPORATION, TRANSCARE WESTCHESTER, INC., TRANSCARE MARYLAND, INC., TC AMBULANCE NORTH, INC. AND TRANSCARE HARFORD COUNTY, INC., LYNN TILTON, ARK II CLO 2001-1 LIMITED, ARK INVESTMENT PARTNERS II, L.P., PATRIARCH PARTNERS, LLC, and PATRIARCH PARTNERS III, LLC,	Adv. Proc. No. 16-01033-smb

**ORDER GRANTING IN PART AND DENYING IN PART
NON-DEBTOR DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND
GRANTING PARTIAL SUMMARY JUDGMENT IN FAVOR OF PLAINTIFFS**

Upon Non-Debtor Defendants Ark II CLO 2001-1 Limited (“Ark II CLO”), Ark Investment Partners II, L.P. (“AIP II”), Patriarch Partners, LLC (“Patriarch Partners”), Patriarch Partners III, LLC (“Patriarch III”) (together with Ark II CLO, collectively “Non-Debtor Entity Defendants”) and Lynn Tilton (“Tilton,” together with the Non-Debtor Entity Defendants referred to as “Non-Debtor

¹ The Debtor Defendants are TransCare Corporation, TransCare New York, Inc., TransCare ML, Inc., TC Ambulance Group, Inc., TransCare Management Services, Inc., TCBA Ambulance, Inc., TC Billing and Services Corporation, TransCare Westchester, Inc., TransCare Maryland, Inc., TC Ambulance North, Inc., TransCare Harford County, Inc., TransCare Pennsylvania, Inc., TC Ambulance Corporation and TC Hudson Valley Ambulance Corporation (collectively, the “Debtors,” “Debtor Defendants,” or “TransCare”).

Defendants”) Motion for Summary Judgment (“the Motion”); and the Court having considered the Motion and Plaintiffs’ Opposition to the Motion, Non-Debtor Defendants’ Reply, Non-Debtor Defendants’ Supplemental Memorandum in Support of Their Motion for Summary Judgment, Seeking Summary Judgment in Favor of Non-Debtor Defendant Ark II CLO, and the arguments of counsel concerning the Motions at hearings before the Court on August 27, 2019 and November 21, 2019; and after due deliberation thereon; and good and sufficient cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Non-Debtor Defendants’ Motion is GRANTED as to all claims asserted in Plaintiffs’ First Amended Complaint (“Complaint”) against Ark II CLO, AIP II, and Patriarch III, which are dismissed with prejudice as a matter of law.

2. Non-Debtor Defendants’ Motion as to all claims asserted in Plaintiffs’ First Amended Complaint against Patriarch Partners is GRANTED as to Plaintiffs’ unpaid wages claim pursuant to Pennsylvania Wage Payment and Collection Law (“PWPCCL”), 43 Pa. Stat. Ann. § 260.1, *et seq.*, which is dismissed with prejudice as matter of law, and DENIED as to all remaining claims asserted against Patriarch Partners as the Court finds there are genuine issues of material fact requiring trial.

3. Non-Debtor Defendants’ Motion as to Plaintiffs’ unpaid wage claims asserted in the Complaint pursuant to the NYLL Section 191, the MWPCCL, Md. Code Lab. & Emp. § 3-501, *et seq.*, and PWPCCL, 43 Pa. Stat. Ann. § 260.1, *et seq.*, against Tilton is DENIED.

4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: **May 26th, 2020**
New York, New York

/s/ STUART M. BERNSTEIN
THE HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

The undersigned parties consent to the form of order pursuant to L.B.R. 9074-1.

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